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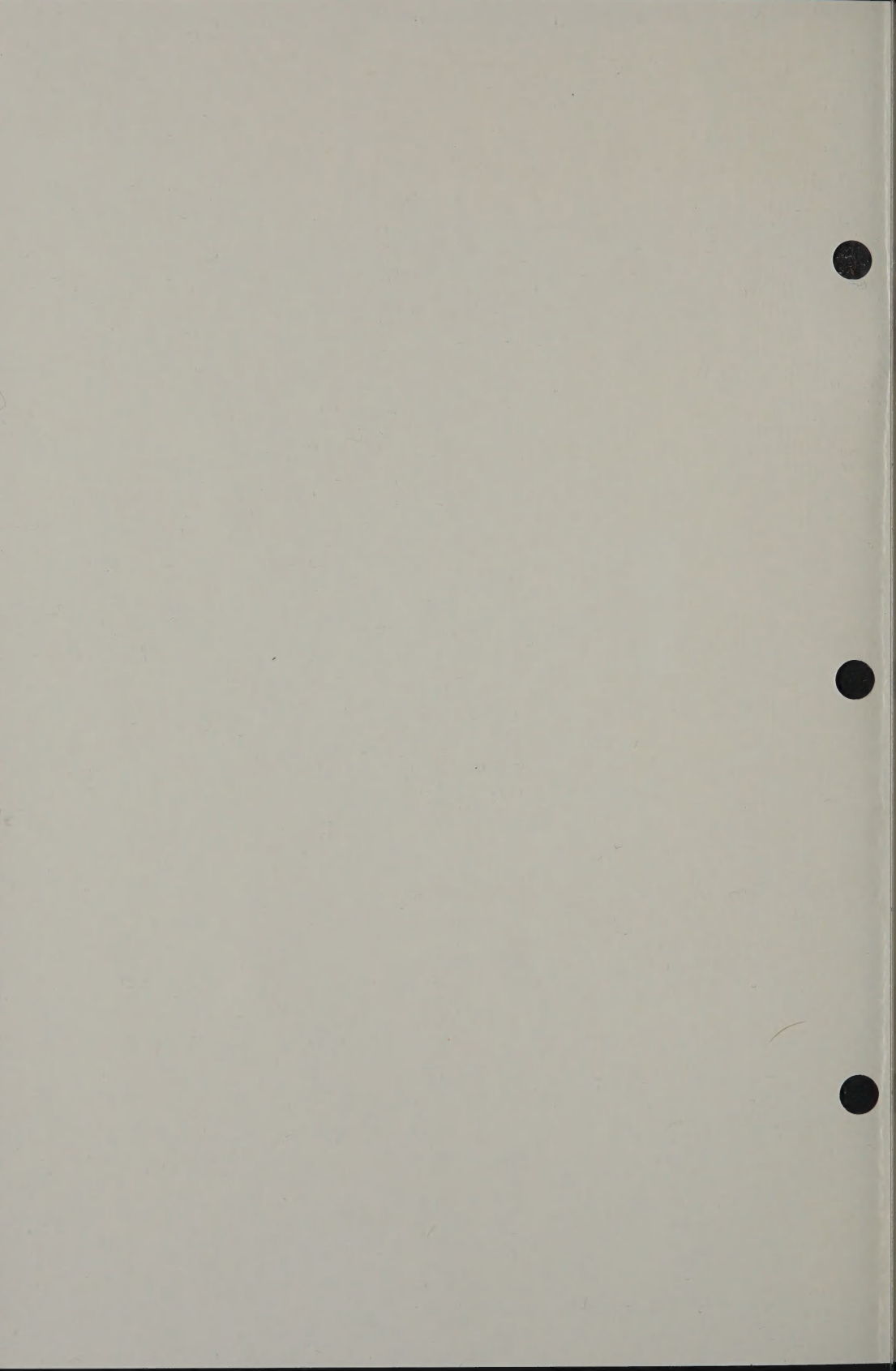
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Guidelines for 1990 Ballot Issues



Published by
Mike Cooney
Secretary of State
State Capitol • Helena, MT 59620
Elections Bureau • 406/444-4732

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**GUIDELINES
FOR
1990 BALLOT ISSUES**

Published by Secretary of State Mike Cooney

**State Capitol -- Helena, Montana
Elections Bureau -- 406/444-4732**

SECRETARY OF STATE

STATE OF MONTANA



Mike Cooney
Secretary of State

Montana State Capitol
Helena, MT 59620

Dear fellow Montanan:

In Montana, we've come to expect government to be close to the people, and the people to be close to government.

Our elected leaders are our neighbors; in Montana, we do more lobbying of our local politicians over coffee than in the halls of government.

Montanans expect the law to be just as accessible. If we want to change, repeal or create a law or amend the constitution, we can do it -- using the initiative and referendum process.

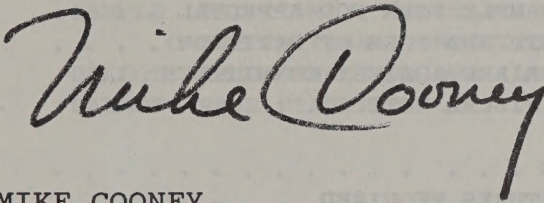
This booklet tells you how you can petition for a vote on state law or the Montana Constitution. It explains the difference between referendums and initiatives; tells how many signatures you'll need to get your issue on the ballot, and outlines the step-by-step process, including the proper form and language, needed to place an issue on the ballot.

In the appendix, we've included the actual state statute that governs the ballot issue process, the section of the Montana Constitution dealing with amendments to the constitution and sample petition forms and certificates.

The initiative/referendum procedure is a serious one, and demands that the law be followed carefully. We cannot assist you in the strategy of how your issue can be placed on the ballot or how it can win -- that's up to you and the people of Montana.

But we can and will help in any way to be sure you are informed about how the process works. Feel free to call me or my Elections Bureau staff if you have any questions. We are happy to help.

Sincerely,

A handwritten signature in dark ink, reading "Mike Cooney". The signature is fluid and cursive, with the first name "Mike" and last name "Cooney" clearly legible.

MIKE COONEY
Secretary of State

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INITIATIVE AND REFERENDUM PETITIONS

As you begin work on drafting a petition, the following outline of requirements and procedures should make your job easier. Be sure to review all of Title 13, Chapter 27 (included in the Appendix), for complete statutory provisions.

BEFORE YOU BEGIN . . .

WHAT TYPES OF BALLOT ISSUES ARE THERE?

Initiative. An initiative is a proposal by petition to enact a new law by a vote of the people on any matter except the appropriation of money, or local or special laws.

Referendum. A referendum is a proposal by which the people, by their majority vote, can approve or reject a previously enacted statute, except an appropriation of money. A referendum may be originated by the legislature itself or by the people.

By the legislature. At the time a piece of legislation is considered, the legislature may, in its discretion, decide to have its action ratified by a vote of the people.

By the people. Anytime the legislature enacts a statute, the people may petition to refer such statute to a vote of the people.

If petitioners desire to render an enacted statute inoperative pending a vote, a referendum petition containing a greater number of signatures is required. If so suspended, the act shall become operative only after it is approved at an election.

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Referendum petitions must be filed no later than six months after the adjournment of the legislature which passed the act.

Constitutional Amendment. A constitutional amendment is a proposal originated by either the legislature or the people to change the constitution.

By the legislature. Amendments may be proposed by any member of the legislature. They must be adopted by an affirmative vote of two-thirds of all the members in order to be submitted to the qualified electors.

By the people. Amendments may be proposed by initiative. If the petitions are signed by the required number of electors, the proposed amendment shall be submitted to the qualified electors.

Constitutional Convention. A question on whether to hold an unlimited constitutional convention to revise, alter or amend the constitution may be originated by either the legislature or the people.

By the legislature. The legislature, by an affirmative vote of two-thirds of all the members, may at any time submit to the qualified electors the question of whether there shall be a constitutional convention.

By the people. The people may, by petition, direct the secretary of state to submit to the qualified electors the question of whether there shall be a constitutional convention.

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WHO MAY PETITION?

A petitioner may be any citizen of the state 18 years of age or older who meets the residence requirements for registration and is registered as a qualified elector.

WHEN IS THE ELECTION HELD?

With certain exceptions, elections on all types of ballot measures proposed by petition must be held with a statewide general election. Check the constitution and statutory references listed for specific provisions.

GETTING STARTED . . .

SUBMISSION OF TEXT FOR REVIEW AND RECOMMENDATIONS

Before submission of the proposed petition to the secretary of state, the text of the measure must be submitted to the Legislative Council for review. The council staff shall review the text as required.

Within 14 days after submission, the council staff shall make recommendations for changes in the text or a statement that no changes are recommended. The person submitting the text shall consider the recommendations and respond in writing to the council accepting, rejecting or modifying each recommended change. If no changes are recommended, no response is required.

The legislative council shall furnish a copy of this correspondence to the secretary of state, who shall make a copy available to any person upon request.

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SUBMISSION OF SAMPLE FORM FOR APPROVAL

Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state (or no sooner than July 13, 1989).

The secretary of state shall refer a copy of the petition to the attorney general for his approval. The secretary of state and attorney general must each review the petition for sufficiency as to form, approve or reject the form of the petition and state the reasons for rejection, if any.

The secretary of state shall send written notice of the approval to the person who submitted the petition sheet within 28 days after submission. If the petition form is approved, a printed sample copy of the petition to be circulated, containing the title and implication of the vote statements as prepared by the attorney general, must be placed on file with the secretary of state.

If the sample petition is rejected as to form by the attorney general, he shall forward his comments to the secretary of state within 10 days after receipt of the petition.

The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within 14 days after submission.

REQUIRED CONTENTS AND FORM OF PETITION

Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened together in sections of not more than 25 sheets each.

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Sample sheets are shown in the Appendix. However, the following elements must be contained in the petition.

At the top of the petition must appear the statement:

**PETITION TO PLACE (INITIATIVE-REFERENDUM-
CONSTITUTIONAL AMENDMENT)
NO. _____ ON THE ELECTION BALLOT**

A statement of percentage of voters in the number of legislative representative districts required, and the total number of signatures, must appear near the top of the petition sheet.

The following statement must appear on the face of the petition:

We, the undersigned Montana voters, propose that the secretary of state place the following measure on the November 6, 1990, general election ballot:

A space for the title of the proposed measure or a statement that the petition is for the purpose of calling a convention, written pursuant to 13-27-312, Montana Code Annotated, must appear on the face of the petition.

If the signature lines are printed on both the front and back of the petition sheet, the title must appear on both sides.

A space for the statements of implication written pursuant to 13-27-312, MCA, must immediately follow the title space.

Following the space for the statements of implication, there must be a statement urging voters to read the complete text and a notification that a signature is only to place the measure on the ballot and does not necessarily mean the signer agrees with the measure.

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The warning to signers about signing more than once, signing when not a registered voter and so on shall appear last above the numbered signature lines.

The petition must contain numbered lines with indicated spaces for each registered voter's:

1. signature,
2. printed last name of signer,
3. post office address and
4. legislative representative district number.

The complete text of the measure proposed or referred must be attached to or be contained within each signature sheet, if the sheets are circulated separately. If the sheets are circulated in sections, the complete text of the measure must be attached to each section.

FORMATION OF FOR AND AGAINST COMMITTEES

If the sample form is approved, the attorney general shall seek out parties on both sides of the issue and obtain their advice. The attorney general may appoint a five-member committee to recommend the statement of purpose and the statement of the implications of the measure. The committee shall, within 14 days of the appointment, meet and recommend:

1. a statement, not to exceed 100 words, explaining the purpose of the measure and
2. statements, not to exceed 25 words each, explaining the implications of a vote for and against the measure.

These statements must be forwarded to the secretary of state within 21 days after the attorney general receives the petition.

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The attorney general may accept, reject or modify the statements recommended by the committee. If the committee is unable to recommend one or both statements, the attorney general shall prepare the statements. The statement prepared is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot. The statements of implication prepared are the "for" and "against" statements to be used on the petition and the ballot if the measure is placed on the ballot.

PREPARATION OF FISCAL NOTE

The attorney general shall order a fiscal note if the proposed ballot issue has an effect on the revenues, expenditures or the fiscal liability of the state. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note.

If a fiscal note is prepared for the proposed ballot issue, the attorney general shall prepare a fiscal statement which is to be used on the petition and ballot if the measure is placed on the ballot.

COLLECTING SIGNATURES . . .

NUMBER OF SIGNATURES REQUIRED

For an initiative or referendum, the number of qualified electors required in each legislative representative district and in the state is determined by the number of votes cast for the office of governor in 1988. (See chart in Appendix.)

Initiative and Referendum: Total of 18,351 signatures needed statewide

The petition shall be signed by at least five percent (5%) of the qualified electors in the state at large, including at least five

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percent (5%) in at least one-third (34) of the legislative districts.

Referendum to render an enacted statute inoperative: Total of 55,053 signatures needed statewide

An act referred to the people is in effect until suspended by petitions signed by at least fifteen percent (15%) of the qualified electors in the state at large, including at least fifteen percent (15%) in at least a majority of the legislative representative districts (51).

Constitutional Initiative for amendment or calling a constitutional convention: Total of 36,702 signatures needed statewide

The petition shall be signed by at least ten percent (10%) of the qualified electors in the state at large, including at least ten percent (10%) in each of at least two-fifths (40) of the legislative districts.

COMMON MISTAKES

The reason most signatures on petitions are rejected is because the printed last name cannot be read. The printed last name must be legible.

Another common mistake is that some will sign a petition, and then will also sign for another person, such as his or her spouse. Such signatures will be rejected. Each individual must sign a petition only of their own accord; no one may sign for another person.

AFFIDAVIT OF PETITION CIRCULATOR REQUIRED

An Affidavit of Petition Circulator must accompany each sheet or section of petitions when filed with the county election

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administrator (see Appendix for sample). An Affidavit of Petition Circulator shall be signed and notarized for each petition sheet or section of sheets circulated, even if the petitions are filed in groups.

DEADLINES FOR SUBMISSION AND FILING OF PETITION SHEETS

Submission to County Officials

Constitutional Amendments and Statutory Initiatives. Signed sheets or sections of petitions shall be submitted no sooner than 9 months (October 31, 1989) and no later than 2 weeks (June 29, 1990) before the final date for filing the petition with the secretary of state.

Referendum Petitions. Signed sheets or sections of petitions shall be submitted no later than five and one-half (5 1/2) months after adjournment of the legislature which passed the act.

Filing with the Secretary of State

Constitutional Amendments and Statutory Initiatives. Certified sheets or sections of petitions must be forwarded by the county election administrator for filing with the secretary of state before 5:00 p.m. of the second Friday of the fourth month prior to the election at which the measure is to be voted on (July 13, 1990).

Referendum Petitions. Certified sheets or sections of petitions must be forwarded by the county election administrator for filing with the secretary of state no later than six (6) months after adjournment of the legislature which passed the act.

WITHDRAWAL OF SIGNATURES

Signers of a petition may withdraw their own names up to the deadline for filing petitions with the secretary of state. A form for withdrawal shall be prescribed by the secretary of state.

CERTIFICATION TO GOVERNOR WHEN PETITION IS QUALIFIED

When sheets or sections of a petition containing a sufficient number of signatures have been filed with the secretary of state, he shall immediately certify to the governor that the petition has qualified for the ballot.

AFTER THE ELECTION . . .

CANVASS OF VOTES CAST

No later than three (3) days after the election, each county board of canvassers shall canvass the votes cast for each ballot issue. The results of the canvass must be certified to the board of state canvassers within 20 days after the election.

EFFECTIVE DATES

Statutory Initiative. Unless the petition states otherwise, a statutory initiative approved by the people is effective on the October 1 following approval. If the measure delegates rulemaking authority, it cannot be effective sooner than the October 1 following approval.

Constitutional Amendment. Unless the legislature or the amendment provides otherwise, a constitutional amendment proposed by the legislature or by initiative and approved by the people is effective on the July 1 following approval.

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Referendum. Unless the legislature specifically provides an effective date in an issue put before the people, or unless suspended by law, an act referred to the people is in effect as the law provides until it is approved or rejected at the election. The following guidelines also apply:

1. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under Section 13-27-503, MCA.
2. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect.
3. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under Section 13-27-503, MCA.
4. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people.
5. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective the October 1 following the election.

FOR MORE INFORMATION

Anyone needing further information concerning the initiative/referendum process may contact the Elections and Legislative Bureau, Secretary of State, Capitol Station, Helena, MT 59620, or call (406) 444-4732.

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APPENDIX

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NUMBER OF SIGNATURES NEEDED FOR PETITIONS

House District	Votes Cast for Governor	5%	10%	15%
1	3,471	174	347	521
2	3,224	161	322	484
3	3,814	191	381	572
4	4,125	206	413	619
5	3,429	171	343	514
6	4,927	246	493	739
7	3,322	166	332	498
8	3,109	155	311	466
9	2,890	145	289	434
10	3,767	188	377	565
11	3,804	190	380	571
12	3,815	191	382	572
13	4,392	220	439	659
14	3,667	183	367	550
15	2,942	147	294	441
16	3,226	161	323	484
17	3,485	174	349	523
18	3,628	181	363	544
19	4,144	207	414	622
20	2,878	144	288	432
21	2,940	147	294	441
22	2,844	142	284	427
23	3,268	163	327	490
24	3,487	174	349	523
25	3,447	172	345	517
26	2,944	147	294	442
27	3,695	185	370	554
28	3,919	196	392	588
29	4,448	222	445	667
30	3,595	180	360	539
31	3,882	194	388	582

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House District	Votes Cast for Governor	5%	10%	15%
32	3,897	195	390	585
33	887	44	89	133
34	3,528	176	353	529
35	2,656	133	266	398
36	3,498	175	350	525
37	3,656	183	366	548
38	3,119	156	312	468
39	3,816	191	382	572
40	3,068	153	307	460
41	3,493	175	349	524
42	3,760	188	376	564
43	4,962	248	496	744
44	4,789	239	479	718
45	4,008	200	401	601
46	4,481	224	448	672
47	4,147	207	415	622
48	3,286	164	329	493
49	4,292	215	429	644
50	4,300	215	430	645
51	3,896	195	390	584
52	3,570	179	357	536
53	3,248	162	325	487
54	4,060	203	406	609
55	3,082	154	308	462
56	3,653	183	365	548
57	3,682	184	368	552
58	3,106	155	311	466
59	4,237	212	424	636
60	4,228	211	423	634
61	3,956	198	396	593
62	4,122	206	412	618
63	4,565	228	457	685
64	4,526	226	453	679

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House District	Votes Cast for Governor	5%	10%	15%
65	3,723	186	372	558
66	3,152	158	315	473
67	2,766	138	277	415
68	3,154	158	315	473
69	2,965	148	297	445
70	3,406	170	341	511
71	3,409	170	341	511
72	3,919	196	392	588
73	4,034	202	403	605
74	4,312	216	431	647
75	4,299	215	430	645
76	4,179	209	418	627
77	5,147	257	515	772
78	5,445	272	545	817
79	3,023	151	302	453
80	3,790	190	379	569
81	4,745	237	475	712
82	3,383	169	338	507
83	4,801	240	480	720
84	4,466	223	447	670
85	3,513	176	351	527
86	5,113	256	511	767
87	4,613	231	461	692
88	4,011	201	401	602
89	3,681	184	368	552
90	3,874	194	387	581
91	3,404	170	340	511
92	2,625	131	263	394
93	2,018	101	202	303
94	2,878	144	288	432
95	4,393	220	439	659
96	2,723	136	272	408
97	3,653	183	365	548

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House District	Votes Cast for			
	Governor	5%	10%	15%
98	2,671	134	267	401
99	3,062	153	306	459
100	2,569	128	257	385
Total	367,021	18,351	36,702	55,053

The number of signatures required on ballot petitions is based on the percentage of votes cast for governor in the last general election.

5% of the votes cast for governor is the number of signatures required to qualify for the ballot an initiative or referendum.

10% of the votes cast for governor is the number of signatures required to qualify for the ballot a constitutional amendment or to call for a constitutional convention vote.

15% of the votes cast for governor is the number of signatures required to qualify for the ballot a referendum to render an enacted statute inoperative.

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AFFIDAVIT FOR PERSON CIRCULATING PETITIONS

I, _____ (name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

Signature of petition circulator

Address of petition circulator

City, state and zip code

Subscribed and sworn to before me this ____ day of _____, 19__.

SEAL

Person authorized to take oaths

Title or notarial information

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PETITION TO PLACE INITIATIVE NO. ____ ON THE ELECTION BALLOT

If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is ____, this measure will appear on the next general election ballot. If a majority of voters vote for this measure at the election, it will become law.

We, the undersigned Montana voters, propose that the secretary of state place the following measure on the November ___, 19___, general election ballot:

(Statement of Purpose [Title] written by Attorney General)

(FISCAL NOTE [if applicable] written by Attorney General)

- ☐ FOR (Statement of implication of a vote for the measure written by the Attorney General)
- ☐ AGAINST (Statement of implication of a vote against the measure, written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears _____. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than her/his own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, six months in jail, or both. Each person must sign her/his name and address in substantially the same manner as on her/his voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGISLATIVE REP. DIST.
1.			
2.			
3.			
4.			
5.			

(Numbered lines may be continued to complete the page as appropriate)
County _____

1990 BALLOT ISSUE GUIDELINES

(Statement of purpose [Title], written by Attorney General, MUST appear here also)

(Text of measure may appear here, on the front side or be attached)

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGISLATIVE REP. DIST.
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

(Numbered lines may be continued to complete the page as appropriate)
County _____

(Information providing instructions to circulators may appear here)

(Each sheet of a petition or section of no more than 25 pages MUST be accompanied by a completed Affidavit of Circulator – see appendix)

1990 BALLOT ISSUE GUIDELINES

PETITION TO PLACE REFERENDUM NO. ____ ON THE ELECTION BALLOT

If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is ____, Senate (House) Bill Number ____ will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number ____, passed by the legislature on _____ on the next general election ballot:

(Title of Referendum written by Attorney General)

(FISCAL NOTE [if applicable] written by Attorney General)

- ☐ FOR (Statement of implication of a vote for the measure written by the Attorney General)
- ☐ AGAINST (Statement of implication of a vote against the measure, written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears _____. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than her/his own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, six months in jail, or both. Each person must sign her/his name and address in substantially the same manner as on her/his voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGISLATIVE REP. DIST.
1.			
2.			
3.			
4.			
5.			

(Numbered lines may be continued to complete the page as appropriate)
County _____

1990 BALLOT ISSUE GUIDELINES

(Title of Referendum, written by Attorney General, MUST appear here also)

(Text of measure may appear here, on the front side or be attached)

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGISLATIVE REP. DIST.
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

(Numbered lines may be continued to complete the page as appropriate)
County _____

(Information providing instructions to circulators may appear here)

(Each sheet of a petition or section of no more than 25 pages MUST be accompanied by a completed Affidavit of Circulator -- see appendix)

1990 BALLOT ISSUE GUIDELINES

PETITION TO PLACE CONSTITUTIONAL AMENDMENT NO. ____ ON THE ELECTION BALLOT

If 10% of the voters in each of 40 legislative representative districts sign this petition and the total number of voters signing the petition is ____, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the November __, 19 __, general election ballot:

(Title of the proposed constitutional amendment written by Attorney General)

(FISCAL NOTE [if applicable] written by Attorney General)

☐ FOR (Statement of implication of a vote for the measure written by the Attorney General)

☐ AGAINST (Statement of implication of a vote against the measure, written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears _____. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than her/his own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, six months in jail, or both. Each person must sign her/his name and address in substantially the same manner as on her/his voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGISLATIVE REP. DIST.
1.			
2.			
3.			
4.			
5.			

(Numbered lines may be continued to complete the page as appropriate)
County _____

1990 BALLOT ISSUE GUIDELINES

(Title of proposed const. amendment written by Attorney General, MUST appear here also)

(Text of measure may appear here, on the front side or be attached)

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGISLATIVE REP. DIST.
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(Numbered lines may be continued to complete the page as appropriate)
County _____

(Information providing instructions to circulators may appear here)

(Each sheet of a petition or section of no more than 25 pages MUST be accompanied by a completed Affidavit of Circulator – see appendix)

1990 BALLOT ISSUE GUIDELINES

PETITION TO PLACE INITIATIVE NO. ____, CALLING FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

If 10% of the voters in each of 40 legislative representative districts sign this petition and the total number of voters signing the petition is ____, the questions of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention, the legislature will call for a constitutional convention at its next session.

We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the November __, 19__ general election ballot:

(Statement of the initiative written by Attorney General)

(FISCAL NOTE [if applicable] written by Attorney General)

☐ FOR (Statement of implication of a vote for the measure written by the Attorney General)

☐ AGAINST (Statement of implication of a vote against the measure, written by the Attorney General)

A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than her/his own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, six months in jail, or both. Each person must sign her/his name and address in substantially the same manner as on her/his voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGISLATIVE REP. DIST.
1.			
2.			
3.			
4.			
5.			

(Numbered lines may be continued to complete the page as appropriate)
County _____

1990 BALLOT ISSUE GUIDELINES

(Title of initiative, written by Attorney General, MUST appear here also)

(Text of measure may appear here, on the front side or be attached)

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGISLATIVE REP. DIST.
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(Numbered lines may be continued to complete the page as appropriate)
County _____

(Information providing instructions to circulators may appear here)

(Each sheet of a petition or section of no more than 25 pages MUST be accompanied by a completed Affidavit of Circulator – see appendix)

BALLOT ISSUE CONSTITUTIONAL LANGUAGE

ARTICLE III GENERAL GOVERNMENT

Section

1. Separation of powers.
2. Continuity of government.
3. Oath of office.
4. Initiative.
5. Referendum.
6. Elections.
7. Number of electors.
8. Prohibition.
9. Gambling.

Article Cross-References

Popular sovereignty, Art. II, sec. 1, Mont. Const.
Self-government, Art. II, sec. 2, Mont. Const.
Right of participation in government, Art. II, sec. 8, Mont. Const.
Right to know, Art. II, sec. 9, Mont. Const.
Constitutional revision, Art. XIV, Mont. Const.

[Sections 1-3 omitted.]

Section 4. Initiative. (1) The people may enact laws by initiative on all matters except appropriations of money and local or special laws.

(2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts and the total number of signers must be at least five percent of the total qualified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the measure will be voted upon.

(3) The sufficiency of the initiative petition shall not be questioned after the election is held.

1990 BALLOT ISSUE GUIDELINES

Cross-References

- Referendum, Art. III, sec. 5, Mont. Const.
- Elections, Art. III, sec. 6, Mont. Const.
- Number of electors, Art. III, sec. 7, Mont. Const.
- Inapplicable to constitutional revision, Art. III, sec. 8, Mont. Const.
- Signature of Governor not required, Art. VI, sec. 10, Mont. Const.
- Initiative and referendum in local government units, Art. XI, sec. 8, Mont. Const.
- Initiative for Constitutional Convention, Art. XIV, sec. 2, Mont. Const.
- Constitutional amendment by initiative, Art. XIV, sec. 9, Mont. Const.
- Montana Recall Act, Title 2, ch. 16, part 6.
- Initiative procedures, Title 13, ch. 27.
- Verification of signatures by county officials -- allocating voters following reapportionment, 13-27-303.
- Statutory appropriations, Title 17, ch. 7, part 5.
- Initiative or referendum required to approve construction of nuclear facility, 75-20-201.

Constitutional Convention Transcript Cross-References

- Adoption, Trans. 3009, 3010.
- Committee report, Vol. II 815, 816, 819, 820, 1019, 1020, 1022, 1023, 1025, 1043.
- Cross-references, 1889 and 1972 Constitutions, Vol. II 826.
- Debate -- committee report, Trans. 2689, 2695 through 2717, 2780, 2781, 2785, 2786.
- Debate -- style and drafting report, Trans. 2820 through 2825, 2921, 2922, 2996.
- Delegate proposals, Vol. I 257, 258, 277, 278.
- Final consideration, Trans. 2846, 2847.
- Text as adopted, Vol. II 1090.

Section 5. Referendum. (1) The people may approve or reject by referendum any act of the legislature except an appropriation of money. A referendum shall be held either upon order by the legislature or upon petition signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts. The total number of signers must be at least five percent of the qualified electors of the state. A referendum petition shall be filed with the secretary of state no later than six months after adjournment of the legislature which passed the act.

(2) An act referred to the people is in effect until suspended by petitions signed by at least 15 percent of the qualified electors in a majority of the legislative representative districts. If so suspended the act shall become operative only after it is approved at an election, the result of which has been determined and declared as provided by law.

Cross-References

- Initiative, Art. III, sec. 4, Mont. Const.
- Elections, Art. III, sec. 6, Mont. Const.
- Number of qualified electors, Art. III, sec. 7, Mont. Const.
- Inapplicable to constitutional revision, Art. III, sec. 8, Mont. Const.

1990 BALLOT ISSUE GUIDELINES

Signature of Governor not required, Art. VI, sec. 10, Mont. Const.
Initiative and referendum in local government units, Art. XI, sec. 8, Mont. Const.
Referendum to call Constitutional Convention, Art. XIV, sec. 1, Mont. Const.
Constitutional amendment by referendum, Art. XIV, sec. 8, Mont. Const.
Referendum procedures, Title 13, ch. 27.

Verification of signatures by county officials -- allocating voters following reapportionment, 13-27-303.

Statutory appropriations, Title 17, ch. 7, part 5.

Initiative or referendum required to approve construction of nuclear facility, 75-20-201.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 3009, 3010.

Committee report, Vol. II 816, 820, 1020, 1023, 1025, 1043, 1044.

Cross-references, 1889 and 1972 Constitutions, Vol. II 826.

Debate -- committee report, Trans. 2717, 2718.

Debate -- style and drafting report, Trans. 2822, 2823, 2825, 2826, 2921, 2922, 2996.

Delegate proposals, Vol. I 257, 258, 277, 278.

Final consideration, Trans. 2847, 2848.

Text as adopted, Vol. II 1090.

Section 6. Elections. The people shall vote on initiative and referendum measures at the general election unless the legislature orders a special election.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.

Referendum, Art. III, sec. 5, Mont. Const.

Inapplicable to constitutional revision, Art. III, sec. 8, Mont. Const.

Definition of "general election" for purposes of ballot issues, 13-1-101(8).

Times for holding general elections, 13-1-104.

Notice of special election, 13-1-108.

Initiative and referendum procedures, Title 13, ch. 27.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 3009, 3010.

Committee report, Vol. II 816, 820, 1020, 1023, 1025, 1044.

Cross-references, 1889 and 1972 Constitutions, Vol. II 826.

Debate -- committee report, Trans. 2718.

Debate -- style and drafting report, Trans. 2826, 2921, 2922, 2996.

Delegate proposals, Vol. I 258, 277.

Final consideration, Trans. 2848, 2849.

Text as adopted, Vol. II 1090.

Section 7. Number of electors. The number of qualified electors required in each legislative representative district and in the state shall be determined by the number of votes cast for the office of governor in the preceding general election.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.

Referendum, Art. III, sec. 5, Mont. Const.

Districting and apportionment, Art. V, sec. 14, Mont. Const.

Districting and Apportionment Commission, Title 5, ch. 1.

1990 BALLOT ISSUE GUIDELINES

Times for general election, 13-1-104.

Election records to be maintained by Secretary of State, 13-1-204.

Report of state canvass filed in office of Secretary of State, 13-15-506.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 3009, 3010.

Committee report, Vol. II 816, 821, 1020, 1023, 1025, 1044.

Cross-references, 1889 and 1972 Constitutions, Vol. II 826.

Debate -- committee report, Trans. 2718, 2719.

Debate -- style and drafting report, Trans. 2826, 2827, 2921, 2922, 2996.

Delegate proposals, Vol. I 258, 277.

Final consideration, Trans. 2849 through 2851.

Text as adopted, Vol. II 1090.

Section 8. Prohibition. The provisions of this Article do not apply to CONSTITUTIONAL REVISION, Article XIV.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 3009, 3010.

Committee report, Vol. II 816, 821, 1020, 1023 through 1025, 1044.

Cross-references, 1889 and 1972 Constitutions, Vol. II 826.

Debate -- committee report, Trans. 2720.

Debate -- style and drafting report, Trans. 2827, 2921, 2922, 2996.

Final consideration, Trans. 2851, 2852.

Text as adopted, Vol. II 1090.

Section 9. Gambling. All forms of gambling, lotteries, and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.

Referendum, Art. III, sec. 5, Mont. Const.

Procedures for initiative and referendum, Title 13, ch. 27.

Parimutuel betting, Title 23, ch. 4, part 3.

Gambling, Title 23, ch. 5.

Video draw poker and keno machines, Title 23, ch. 5, part 6. Fights between animals unlawful, 45-8-211.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 3009, 3010.

Committee report, Vol. II 816, 822, 825, 1020, 1024, 1025, 1044, 1080, 1081, 1108.

Cross-references, 1889 and 1972 Constitutions, Vol. II 826.

Debate -- adoption schedule, Trans. 2997.

Debate -- committee report, Trans. 2728 through 2760.

Debate -- style and drafting report, Trans. 2828, 2921, 2922, 2996.

Delegate proposals, Vol. I 115, 121, 237, 247.

Final consideration, Trans. 2853, 2854.

Text as adopted, Vol. II 1090.

1990 BALLOT ISSUE GUIDELINES

ARTICLE XIV CONSTITUTIONAL REVISION

Section

1. Constitutional convention.
2. Initiative for constitutional convention.
3. Periodic submission.
4. Call of convention.
5. Convention expenses.
6. Oath, vacancies.
7. Convention duties.
8. Amendment by legislative referendum.
9. Amendment by initiative.
10. Petition signers.
11. Submission.

Article Cross-References

Popular sovereignty, Art. II, sec. 1, Mont. Const.
Self-government, Art. II, sec. 2, Mont. Const.
Provisions of Article III, Mont. Const. inapplicable, Art. III, sec. 8, Mont. Const.
Elections, Art. IV, Mont. Const.; Title 13.
Secretary of State – custody of enrolled copy of Constitution, 2-6-111.

Section 1. Constitutional convention. The legislature, by an affirmative vote of two-thirds of all the members, whether one or more bodies, may at any time submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution.

Cross-References

Legislature, Art. V, Mont. Const.; Title 5.
Periodic submission of question, Art. XIV, sec. 3, Mont. Const.; 13-1-121; 13-1-122.
Ballot issues, Title 13, ch. 27.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 352, 353, 356 through 360; Vol. II 851 through 854, 856 through 858, 1078.
Cross-references, 1889 and 1972 Constitutions, Vol. I 365.
Debate – committee report, Trans. 453 through 455, 470, 471.
Debate – style and drafting report, Trans. 1187 through 1189, 2929.
Delegate proposals, Vol. I 150, 151, 158, 209 through 211, 226, 227.
Final consideration, Trans. 1868 through 1870, 1909, 1910.
Text as adopted, Vol. II 1103.

1990 BALLOT ISSUE GUIDELINES

Section 2. Initiative for constitutional convention. (1) The people may by initiative petition direct the secretary of state to submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The secretary of state shall certify the filing of the petition in his office and cause the question to be submitted at the next general election.

Cross-References

Legislative districting and apportionment, Art. V, sec. 14, Mont. Const.; Title 5, ch. 1.
Petition signers, Art. XIV, sec. 10, Mont. Const.
Times for holding general elections, 13-1-104.
Qualified voter, 13-1-111.
Ballot issues generally, Title 13, ch. 27.
Form of petition for initiative for constitutional convention, 13-27-201, 13-27-202, 13-27-206.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 352, 356 through 358; Vol. II 851, 853, 856, 857, 1078.
Cross-references, 1889 and 1972 Constitutions, Vol. I 365.
Debate – committee report, Trans. 454 through 462, 471 through 476, 2698 through 2700.
Debate – style and drafting report, Trans. 1189, 2929.
Delegate proposal, Vol. I 209.
Final consideration, Trans. 1870, 1910, 1911.
Text as adopted, Vol. II 1103.

Section 3. Periodic submission. If the question of holding a convention is not otherwise submitted during any period of 20 years, it shall be submitted as provided by law at the general election in the twentieth year following the last submission.

Cross-References

Periodic submission – ballot form, 13-1-121, 13-1-122.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 352, 356, 358, 359; Vol. II 851, 853, 856, 857, 1078.
Cross-references, 1889 and 1972 Constitutions, Vol. I 365.
Debate – committee report, Trans. 454, 462 through 466 [referred to as section 3], 476 through 478.
Debate – style and drafting report, Trans. 1189, 1190, 2929.
Delegate proposals, Vol. I 158, 209, 210, 227.
Final consideration, Trans. 1911, 1912.

1990 BALLOT ISSUE GUIDELINES

Text as adopted, Vol. II 1103.

Section 4. Call of convention. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session. The number of delegates to the convention shall be the same as that of the larger body of the legislature. The qualifications of delegates shall be the same as the highest qualifications required for election to the legislature. The legislature shall determine whether the delegates may be nominated on a partisan or a non-partisan basis. They shall be elected at the same places and in the same districts as are the members of the legislative body determining the number of delegates.

Cross-References

Legislature, Art. V, Mont. Const.; Title 5.

Determination of result of election on ballot issue, 13-27-503.

Copy of approved issues to be sent to Legislative Council, 13-27-504.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.

Committee report, Vol. I 352, 356, 359, 360; Vol. II 851, 853, 854, 856, 857, 1078.

Cross-references, 1889 and 1972 Constitutions, Vol. I 365.

Debate – committee report, Trans. 454, 481 through 485 [referred to as section 5], 489, 490 [referred to as section 7].

Debate – style and drafting report, Trans. 1190, 1191, 2929.

Delegate proposals, Vol. I 150, 158, 210, 226, 227.

Final consideration, Trans. 1912 through 1914.

Text as adopted, Vol. II 1103.

[Sections 5 and 6 omitted]

Section 7. Convention duties. The convention shall meet after the election of the delegates and prepare such revisions, alterations, or amendments to the constitution as may be deemed necessary. They shall be submitted to the qualified electors for ratification or rejection as a whole or in separate articles or amendments as determined by the convention at an election appointed by the convention for that purpose not less than two months after adjournment. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration, or amendment shall take effect.

Cross-References

1990 BALLOT ISSUE GUIDELINES

Right of people to abolish or alter Constitution, Art. II, sec. 2, Mont. Const.
Time and place of meeting, Art. XIV, sec. 5, Mont. Const.
Notice of special election, 13-1-108.
Qualified voter, 13-1-111.
Ballot issues, Title 13, ch. 27.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 353, 357, 360; Vol. II 852, 854, 856, 858, 1078, 1079.
Cross-references, 1889 and 1972 Constitutions, Vol. I 365.
Debate – committee report, Trans. 454, 490, 491, 526 through 528 [referred to as section

8].

Debate – style and drafting report, Trans. 1191, 1192, 2929.
Delegate proposals, Vol. I 150, 151, 210, 226, 227.
Final consideration, Trans. 1916, 1917.
Text as adopted, Vol. II 1104.

Section 8. Amendment by legislative referendum.
Amendments to this constitution may be proposed by any member of the legislature. If adopted by an affirmative roll call vote of two-thirds of all the members thereof, whether one or more bodies, the proposed amendment shall be submitted to the qualified electors at the next general election. If approved by a majority of the electors voting thereon, the amendment shall become a part of this constitution on the first day of July after certification of the election returns unless the amendment provides otherwise.

Cross-References

Right of people to alter Constitution, Art. II, sec. 2, Mont. Const.; 13-27-201.
Legislature, Art. V, Mont. Const.; Title 5.
Definition of "general election" for purposes of ballot issues, 13-1-101(8).
Times for holding general elections, 13-1-104.
Qualified voter, 13-1-111.
Ballot issues generally, Title 13, ch. 27.
Effective date of amendments approved by the people, 13-27-105.
Verification of signatures by county officials – allocating voters following reapportionment, 13-27-303.
Transmittal to Attorney General of amendments referred by Legislature, 13-27-310.
Publication of proposed amendments, 13-27-311.
Statements of Attorney General on issues referred by Legislature, 13-27-315, 13-27-316.
Certification of ballot form, 13-27-501.
Determination of result of election on ballot issue, 13-27-503.
Copies of approved issues to be sent to Legislative Council, 13-27-504.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 353, 354, 357, 360 through 362; Vol. II 852, 854, 856, 858, 1079.
Cross-references, 1889 and 1972 Constitutions, Vol. I 365.
Debate – committee report, Trans. 495 through 501, 505, 533, 534 [referred to as section 11], 2711.
Debate – style and drafting report, Trans. 1192, 2929.

1990 BALLOT ISSUE GUIDELINES

Delegate proposals, Vol. I 119, 120, 210, 211, 257.

Final consideration, Trans. 1917, 1918.

Text as adopted, Vol. II 1104.

Section 9. Amendment by initiative. (1) The people may also propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The petitions shall be filed with the secretary of state. If the petitions are found to have been signed by the required number of electors, the secretary of state shall cause the amendment to be published as provided by law twice each month for two months previous to the next regular state-wide election.

(3) At that election, the proposed amendment shall be submitted to the qualified electors for approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution effective the first day of July following its approval, unless the amendment provides otherwise.

Cross-References

Right of people to alter Constitution, Art. II, sec. 2, Mont. Const.; 13-27-201.

Legislative districting and apportionment, Art. V, sec. 14, Mont. Const.; Title 5, ch. 1.

Petition signers, Art. XIV, sec. 10, Mont. Const.

Submission of more than one amendment, Art. XIV, sec. 11, Mont. Const.

Times for holding general elections, 13-1-104.

Times for holding primary elections, 13-1-107.

Qualified voter, 13-1-111.

Ballot issues generally, Title 13, ch. 27.

Effective date of initiatives, 13-27-105.

Form of petition for initiative, 13-27-201, 13-27-202, 13-27-207.

Publication of proposed amendments, 13-27-311.

Review of petition -- Attorney General's statement, 13-27-312.

Certification of ballot form, 13-27-501.

Determination of result of election on ballot issue, 13-27-503.

Copies of approved issues to be sent to Legislative Council, 13-27-504.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.

Committee report, Vol. I 354, 362, 363, 410; Vol. II 852, 854 through 856, 858, 1079.

2702 Debate -- committee report, Trans. 491, 492, 505 through 514 [referred to as section 13], through 2704, 2711, 2745.

Debate -- style and drafting report, Trans. 1192 through 1194, 2929.

Delegate proposals, Vol. I 119, 120, 268, 277.

Final consideration, Trans. 1918, 1919.

Text as adopted, Vol. II 1104.

1990 BALLOT ISSUE GUIDELINES

Section 10. Petition signers. The number of qualified electors required for the filing of any petition provided for in this Article shall be determined by the number of votes cast for the office of governor in the preceding general election.

Cross-References

Initiative for Constitutional Convention, Art. XIV, sec. 2, Mont. Const.
Initiative for constitutional amendment, Art. XIV, sec. 9, Mont. Const.
Times for general election, 13-1-104.
Election records to be maintained by Secretary of State, 13-1-204.
Report of state canvass to be filed in office of Secretary of State, 13-15-506.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 354, 362; Vol. II 852, 855, 856, 858, 1079.
Debate -- committee report, Trans. 514 [referred to as section 14].
Debate -- style and drafting report, Trans. 1194, 1195, 2929.
Delegate proposals, Vol. I 119, 277.
Final consideration, Trans. 1919, 1920.
Text as adopted, Vol. II 1104.

Section 11. Submission. If more than one amendment is submitted at the same election, each shall be so prepared and distinguished that it can be voted upon separately.

Cross-References

Amendment by legislative referendum, Art. XIV, sec. 8, Mont. Const.
Amendment by initiative, Art. XIV, sec. 9, Mont. Const.
Certification of ballot form, 13-27-501.

Constitutional Convention Transcript Cross-References

Adoption, Trans. 2944, 2945.
Committee report, Vol. I 354, 363; Vol. II 852, 855, 856, 858, 1079.
Debate -- committee report, Trans. 514 through 522, 534 [referred to as section 15].
Debate -- style and drafting report, Trans. 1195, 1196, 2929.
Delegate proposals, Vol. I 119, 120, 211.
Final consideration, Trans. 1920, 1921.
Text as adopted, Vol. II 1104.

BALLOT ISSUE STATUTES

TITLE 13, CHAPTER 27, Montana Code Annotated

Part 1 -- General Provisions

- 13-27-101. Establishment of initiative and referendum procedures.
- 13-27-102. Who may petition.
- 13-27-103. Sufficiency of signature.
- 13-27-104. Time for filing.
- 13-27-105. Effective date of initiative and referendum issues.
- 13-27-106. Violations -- penalties.

Part 2 -- Form of Petitions

- 13-27-201. Form of petition generally.
- 13-27-202. Recommendations -- approval of form required.
- 13-27-203. Numbering of petitions.
- 13-27-204. Petition for the initiative.
- 13-27-205. Petition for the referendum.
- 13-27-206. Petition for initiative for constitutional convention.
- 13-27-207. Petition for initiative for constitutional amendment.

Part 3 -- Submission and Processing of Petitions

- 13-27-301. Submission of petition sheets -- withdrawal of signatures.
- 13-27-302. Certification of signatures.
- 13-27-303. Verification of signatures by county official -- allocating voters following reapportionment -- duplicate signatures.
- 13-27-304. County official to forward verified sheets.
- 13-27-305. Retention of copies by county official.
- 13-27-306. Challenge to signatures by elector of county.
- 13-27-307. Consideration and tabulation of signatures by secretary of state.
- 13-27-308. Certification of petition to governor.
- 13-27-309. Repealed.

1990 BALLOT ISSUE GUIDELINES

- 13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general.
- 13-27-311. Publication of proposed constitutional amendments.
- 13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note.
- 13-27-313. Review of ballot forms by attorney general.
- 13-27-314. Repealed.
- 13-27-315. Statements by attorney general on issues referred by legislature.
- 13-27-316. Court review of attorney general statements.

Part 4 -- Voter Information Pamphlets

- 13-27-401. Voter information pamphlet.
- 13-27-402. Committees to prepare arguments for and against ballot issues.
- 13-27-403. Appointment to committee.
- 13-27-404. Committee chairman.
- 13-27-405. Committee expenses.
- 13-27-406. Limitation on length of argument -- time of filing.
- 13-27-407. Rebuttal arguments.
- 13-27-408. Rejection of improper arguments.
- 13-27-409. Liability for contents of argument.
- 13-27-410. Printing and distribution of voter information pamphlet.

Part 5 -- Election Procedure

- 13-27-501. Secretary of state to certify ballot form -- abbreviated ballot.
- 13-27-502. Preparation of ballots by county officials.
- 13-27-503. Determination of result of election.
- 13-27-504. Copy of approved issues to be sent to legislative council.

Chapter Cross-References

- Initiative, Art. III, sec. 4, Mont. Const.
- Referendum, Art. III, sec. 5, Mont. Const.
- Initiative for constitutional convention, Art. XIV, sec. 2, Mont. Const.
- Constitutional amendment by legislative referendum, Art. XIV, sec. 8, Mont. Const.

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Constitutional amendment by initiative, Art. XIV, sec. 9, Mont. Const.
Form for local government initiative and referendum, 7-5-132.
Form of petition calling for election on question of issuing county bonds, 7-7-2224.
Form of petition for creation of urban transportation district, 7-14-204.
Definitions applicable to this chapter, 13-1-101.
Initiative or referendum required to approve nuclear facility, 75-20-201.
Form of ballot to summarize improvements to drainage district assessments, 85-8-624.

Part 1 General Provisions

13-27-101. Establishment of initiative and referendum procedures. The right of the people to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative as guaranteed by The Constitution of the State of Montana may be exercised through adherence to the procedures established in this chapter.

History: En. 37-115 by Sec. 1, Ch. 342, L. 1977; R.C.M. 1947, 37-115.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.
Referendum, Art. III, sec. 5, Mont. Const.
Initiative for constitutional convention, Art. XIV, sec. 2, Mont. Const.
Constitutional amendment by initiative, Art. XIV, sec. 9, Mont. Const.
Verification of signatures by county officials -- allocating voters following reapportionment, 13-27-303.

13-27-102. Who may petition. A petition for the initiative, the referendum, or to call a constitutional convention may be signed only by a qualified elector of the state of Montana.

History: En. 37-116 by Sec. 2, Ch. 342, L. 1977; R.C.M. 1947, 37-116(part).

Cross-References

Qualified elector, Art. IV, sec. 2, Mont. Const.

13-27-103. Sufficiency of signature. A signature may not be counted unless the elector has signed in substantially the same manner as on the voter registry card. If the elector is registered with a first and middle name, the use of an initial instead of either the first or middle name, but not both names, need not disqualify the signature. The signature may be counted so long as the signature, taken as a whole, bears sufficient similarity to

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the signature on the registry card as to provide reasonable certainty of its authenticity.

History: En. 37-116 by Sec. 2, Ch. 342, L. 1977; R.C.M. 1947, 37-116(part); amd. Sec. 1, Ch. 494, L. 1979.

Cross-References

Register of electors, 13-2-112.

13-27-104. Time for filing. Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of the second Friday of the fourth month prior to the election at which they are to be voted upon by the people.

History: En. 37-125 by Sec. 11, Ch. 342, L. 1977; R.C.M. 1947, 37-125.

Cross-References

Time for filing of petition for initiative, Art. III, sec. 4, Mont. Const.

Time for filing of petition for referendum, Art. III, sec. 5, Mont. Const.

13-27-105. Effective date of initiative and referendum issues. (1) Unless the petition placing an initiative issue on the ballot states otherwise, an initiative issue, other than a constitutional amendment, approved by the people is effective on October 1 following approval. If the issue delegates rulemaking authority, it is effective no sooner than October 1 following approval.

(2) A constitutional amendment proposed by initiative or by the legislature and approved by the people is effective on July 1 following approval unless the amendment provides otherwise.

(3) Unless specifically provided by the legislature in an act referred by it to the people or until suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative representative districts, an act referred to the people is in effect as provided by law until it is approved or rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under 13-27-503. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect. An act that was

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suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under 13-27-503. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective October 1 following the election.

History: En. 37-137 by Sec. 23, Ch. 342, L. 1977; R.C.M. 1947, 37-137; amd. Sec. 1, Ch. 73, L. 1981; amd. Sec. 8, Ch. 79, L. 1983; amd. Sec. 16, Ch. 298, L. 1987.

Cross-References

Suspension by petition, Art. III, sec. 5, Mont. Const.

Constitutional amendment by initiative, Art. XIV, sec. 9, Mont. Const.

13-27-106. Violations -- penalties. A person who knowingly makes a false entry upon a petition or affidavit required by this chapter or who knowingly signs a petition to place the same issue on the ballot at the same election more than once is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-203 or 45-7-208, as applicable.

History: En. 37-138 by Sec. 24, Ch. 342, L. 1977; R.C.M. 1947, 37-138.

Part 2 Form of Petitions

13-27-201. Form of petition generally. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines

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are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative council. If sheets are circulated in sections, the complete text of the measure must be attached to each section.

History: En. 37-117 by Sec. 3, Ch. 342, L. 1977; R.C.M. 1947, 37-117(1), (2); amd. Sec. 1, Ch. 400, L. 1979.

13-27-202. Recommendations -- approval of form required.

(1) Before submission of a sample sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

(a) The text of the proposed measure must be submitted to the legislative council for review.

(b) The council staff shall review the text for clarity, consistency, and any other factors the council staff considers when drafting proposed legislation.

(c) Within 14 days after submission of the text, the council staff shall make to the person submitting the text written recommendations for changes in the text or a statement that no changes are recommended.

(d) The person submitting the text shall consider any such recommendations and respond in writing to the council, accepting, rejecting, or modifying each of the recommended changes. If no changes are recommended, no response is required.

(2) The legislative council shall furnish a copy of the correspondence provided for in subsection (1) to the secretary of state, who shall make a copy thereof available to any person upon request.

(3) Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it

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will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

(4) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within 28 days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within 14 days after submission of the petition sheet.

History: En. 37-117 by Sec. 3, Ch. 342, L. 1977; R.C.M. 1947, 37-117(3); amd. Sec. 2, Ch. 400, L. 1979; amd. Sec. 1, Ch. 488, L. 1981; amd. Sec. 1, Ch. 4, L. 1983.

13-27-203. Numbering of petitions. The secretary of state shall serially number all submitted petitions that are approved as to form continuously from year to year. The numbering system shall distinguish the different types of petitions received and include provisions for numbering measures referred to the people by the legislature.

History: En. 37-117 by Sec. 3, Ch. 342, L. 1977; R.C.M. 1947, 37-117(4).

13-27-204. Petition for the initiative. (1) The following is substantially the form for a petition calling for a vote to enact a law by the initiative:

PETITION TO PLACE
INITIATIVE NO. ____ ON
THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is, this measure will appear on

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the next general election ballot. If a majority of voters vote for this measure at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following measure on the, 19..., general election ballot:

(Title of measure written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

History: En. 37-118 by Sec. 4, Ch. 342, L. 1977; R.C.M. 1947, 37-118; amd. Sec. 2, Ch. 488, L. 1981.

Cross-References

Initiative, Art. III, sec. 4, Mont. Const.

Verification of signatures by county officials -- allocating voters following reapportionment, 13-27-303.

13-27-205. Petition for the referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO. ____

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ON THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is, Senate (House) Bill Number will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number, passed by the legislature on on the next general election ballot:

(Title of referendum written pursuant to 13-27-312)
(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

History: En. 37-119 by Sec. 5, Ch. 342, L. 1977; R.C.M. 1947, 37-119; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 3, Ch. 488, L. 1981.

Cross-References

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Referendum, Art. III, sec. 5, Mont. Const.

Verification of signatures by county officials – allocating voters following reapportionment, 13-27-303.

13-27-206. Petition for initiative for constitutional convention. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there shall be a constitutional convention:

PETITION TO PLACE
INITIATIVE NO. ____, CALLING FOR
A CONSTITUTIONAL CONVENTION, ON
THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention the legislature will call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the, 19..., general election ballot:

(Title of the initiative written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same

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issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall also contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

History: En. 37-120 by Sec. 6, Ch. 342, L. 1977; R.C.M. 1947, 37-120; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 4, Ch. 488, L. 1981.

Cross-References

Initiative for constitutional convention, Art. XIV, sec. 2, Mont. Const.

Verification of signatures by county officials -- allocating voters following reapportionment, 13-27-303.

13-27-207. Petition for initiative for constitutional amendment. (1) The following is substantially the form for a petition for the initiative to amend the constitution:

PETITION TO PLACE CONSTITUTIONAL AMENDMENT NO. ____ ON THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the, 19..., general election ballot:

(Title of the proposed constitutional amendment
written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

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(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

History: En. 37-121 by Sec. 7, Ch. 342, L. 1977; R.C.M. 1947, 37-121; amd. Sec. 5, Ch. 488, L. 1981.

Cross-References

Amendment by initiative, Art. XIV, sec. 9, Mont. Const.

Verification of signatures by county officials -- allocating voters following reapportionment, 13-27-303.

Part 3 Submission and Processing of Petitions

13-27-301. Submission of petition sheets -- withdrawal of signatures. (1) Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 9 months and no later than 2 weeks before the final date for filing the petition with the secretary of state.

(2) Signatures may be withdrawn from a petition for constitutional amendment, constitutional convention, initiative, or referendum up to the time of final submission of petition

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sheets as provided in subsection (1). The secretary of state shall prescribe the form to be used by an elector desiring to have his signature withdrawn from a petition.

History: En. 37-122 by Sec. 8, Ch. 342, L. 1977; R.C.M. 1947, 37-122(1); amd. Sec. 3, Ch. 400, L. 1979; (2)En. Sec. 15, Ch. 298, L. 1987.

Cross-References

Election Administrator as registration official, 13-1-301.

Date of filing of petitions, 13-27-104.

13-27-302. Certification of signatures. An affidavit, in substantially the following form, shall be attached to each sheet or section submitted to the county official:

I, (Name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

.....
(Signature of petition circulator)

.....
(Address of petition circulator)

Subscribed and sworn to before me this day of, 19...

Seal
(Person authorized to take oaths)

.....
(Title or notarial information)

History: En. 37-122 by Sec. 8, Ch. 342, L. 1977; R.C.M. 1947, 37-122(2); amd. Sec. 6, Ch. 488, L. 1981.

Cross-References

Officers who may administer oaths, 1-6-101.

13-27-303. Verification of signatures by county official -- allocating voters following reapportionment -- duplicate signatures. (1) Except as required by 13-27-104, within 4 weeks after receiving the sheets or sections of a petition, the county official shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall

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randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

(2) For the purpose of allocating the signatures of voters among the several legislative representative districts of the state as required to certify a petition for a ballot issue under the provisions of this chapter following the filing of a districting and apportionment plan under 5-1-111 and before members of the house of representatives have been elected and qualified under the plan, the legislative representative districts among which the signatures must be allocated must be those in existence when the plan was filed.

(3) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any one issue, the election administrator may submit the name of the elector or the petition circulator, or both, to the county attorney to be investigated under the provisions of 13-27-106 and 13-35-207.

History: En. 37-123 by Sec. 9, Ch. 342, L. 1977; R.C.M. 1947, 37-123(3), (4); amd. Sec. 4, Ch. 400, L. 1979; (2)En. Sec. 1, Ch. 512, L. 1983; amd. Sec. 17, Ch. 298, L. 1987.

Cross-References

Register of electors, 13-2-112.

13-27-304. County official to forward verified sheets. The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in substantially the following form attached:

To the Honorable, Secretary of State of the state of Montana:

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I,, (title) of the County of, certify that I have examined the attached (section containing sheets) or (.... sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. in the manner prescribed by law; and I believe that (number) signatures in Legislative Representative District No. (repeat for each district included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address and legislative representative district number is completed for each valid signature.

Signed: (Date) (Signature)

Seal (Title)

History: En. 37-123 by Sec. 9, Ch. 342, L. 1977; R.C.M. 1947, 37-123(1).

Cross-References

Role of Secretary of State, Title 13, ch. 1, part 2.

13-27-305. Retention of copies by county official. The county official certifying the sheets or sections of a petition shall keep a copy of the sheets or sections certified in the official files of his office. The copies may be destroyed 3 months after the date of the election specified in the petition unless a court action is pending on the sufficiency of the petition.

History: En. 37-123 by Sec. 9, Ch. 342, L. 1977; R.C.M. 1947, 37-123(2).

13-27-306. Challenge to signatures by elector of county. A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn statement or affirmation of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must compare all signatures on that sheet or section and issue an amended certificate to the secretary of state, giving the correct number of valid signatures, on or before the deadline, as

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provided for in 13-27-104, for filing in the office of the secretary of state.

History: En. 37-123 by Sec. 9, Ch. 342, L. 1977; R.C.M. 1947, 37-123(5); amd. Sec. 5, Ch. 400, L. 1979.

13-27-307. Consideration and tabulation of signatures by secretary of state. (1) The secretary of state shall consider and tabulate only such signatures on petitions as are certified by the proper county official, and each such certificate is prima facie evidence of the facts stated therein. However, the secretary of state may consider and tabulate any signature not certified by the county official that is certified by a notary public of the county in which the signer resides to be the genuine signature of an elector legally qualified to sign the petition.

(2) The official certificate of the notary public for any signature not certified as valid by the county official shall be in substantially the following form:

State of Montana)
) ss.
County of)

I, (name), a duly qualified and acting notary public in and for the above-named county and state, do hereby certify that I am personally acquainted with each of the following-named electors whose signatures are affixed to the annexed (petition) (copy of a petition) and I know of my own knowledge that they are registered electors of the state of Montana and of the county and legislative district written after their names in the petition and that their post-office addresses are correctly stated therein.

.....(Names of such electors)

In testimony whereof, I have hereunto set my hand and official seal this day of, 19...

Seal (Signature)
 (Notarial information)

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History: En. 37-124 by Sec. 10, Ch. 342, L. 1977; R.C.M. 1947, 37-124; amd. Sec. 212, Ch. 571, L. 1979.

Cross-References

Verification of signatures by county officials — allocating voters following reapportionment, 13-27-303.

13-27-308. Certification of petition to governor. When sheets or sections of a petition for referendum, initiative, constitutional convention, or constitutional amendment containing a sufficient number of signatures have been filed with the secretary of state within the time required by the constitution or by law, he shall immediately certify to the governor that the completed petition has been officially filed.

History: En. 37-126 by Sec. 12, Ch. 342, L. 1977; R.C.M. 1947, 37-126(part).

13-27-309. Repealed. Sec. 195, Ch. 575, L. 1981.

History: En. 37-126 by Sec. 12, Ch. 342, L. 1977; R.C.M. 1947, 37-126(part).

13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general. (1) The secretary of state shall transmit a copy of the form in which a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day the completed petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(1), (2); amd. Sec. 6, Ch. 400, L. 1979.

Cross-References

Approval of form required, 13-27-202.

13-27-311. Publication of proposed constitutional amendments. (1) If a proposed constitutional amendment or amendments are submitted to the people, the secretary of state

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shall have the proposed amendment or amendments published in full twice each month for 2 months previous to the election at which they are to be voted upon by the people, in not less than one newspaper of general circulation in each county.

(2) The secretary of state may arrange for newspaper, radio, or television publication of proposed constitutional amendments in each county. A summary of the amendment as provided by the attorney general, as described in 13-27-312 or 13-27-315, would suffice for the publication required by this section and should be made at least twice each month for 2 months previous to the election.

History: En. Sec. 12, Ch. 368, L. 1969; amd. Sec. 1, Ch. 38, L. 1973; amd. Sec. 26, Ch. 342, L. 1977; amd. Sec. 6, Ch. 365, L. 1977; R.C.M. 1947, 23-2802; amd. Sec. 213, Ch. 571, L. 1979.

Cross-References

Amendment by referendum, Art. XIV, sec. 8, Mont. Const.

Amendment by initiative, Art. XIV, sec. 9, Mont. Const.

13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note. (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form and, if the proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state, shall order a fiscal note incorporating an estimate of such effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note and shall return it within 6 days unless the attorney general, for good cause shown, extends the time for completing the fiscal note. If the petition form is approved, the attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general may, if he deems it necessary, appoint a five-member committee to recommend the statement of purpose and the statement of the implications of the measure. The committee shall consist of two persons recommended by the person filing the petition, two persons known to oppose the measure, and one representative of the attorney general's

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office, who is the chairman. The committee shall, within 14 days of appointment, meet and recommend by a vote of a majority of the committee:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(2) The attorney general may accept, reject, or modify the statements recommended by the committee. If the committee is unable to recommend one or both statements, the attorney general shall prepare the statements.

(3) The attorney general shall prepare a fiscal statement of no more than 50 words if a fiscal note was prepared for the proposed ballot issue, such statement to be used on the petition and ballot if the measure is placed on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure.

(5) The statement of purpose prepared pursuant to subsection (1) or (2), unless altered by a court under 13-27-316, is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(6) The statements of implication shall be placed beside the diagram provided for marking of the ballot in a manner similar to the following example:

☐ FOR extending the right to vote to persons 18 years of age

☐ AGAINST extending the right to vote to persons 18 years of age

(7) If the petition is rejected as to form, the attorney general shall forward his comments to the secretary of state within 10 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose, the statements of implication, and the fiscal statement, if applicable, to the

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secretary of state within 21 days after receipt of the petition by the attorney general.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(3); amd. Sec. 7, Ch. 400, L. 1979; amd. Sec. 1, Ch. 336, L. 1981; amd. Sec. 7, Ch. 488, L. 1981; amd. Sec. 10, Ch. 3, L. 1985.

Cross-References

Secretary of State to certify ballot form, 13-27-501.

13-27-313. Review of ballot forms by attorney general. The attorney general shall examine each ballot form submitted to his office pursuant to 13-27-310 and within 20 days of receipt of the ballot form shall notify the secretary of state of his approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to 13-27-310(3) within 5 days of receiving the new form.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(4); amd. Sec. 8, Ch. 400, L. 1979.

13-27-314. Repealed. Sec. 19, Ch. 400, L. 1979.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(5).

13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time as the explanatory statement.

(2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an

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argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

(3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form.

History: En. 37-127 by Sec. 13, Ch. 342, L. 1977; R.C.M. 1947, 37-127(6); amd. Sec. 9, Ch. 400, L. 1979; amd. Sec. 2, Ch. 336, L. 1981.

13-27-316. Court review of attorney general statements. (1)

If the proponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) If the opponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of the date of certification to the governor that the completed petition has been officially filed, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(3) (a) Notice shall be served upon the secretary of state and upon the attorney general. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and

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certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall be placed on the petition for circulation and on the official ballot.

(4) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

(5) Any party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court.

History: En. Sec. 10, Ch. 400, L. 1979; amd. Sec. 3, Ch. 336, L. 1981.

Part 4 Voter Information Pamphlets

13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(a) ballot title, fiscal statement if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet shall also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order.

History: Ap. p. Sec. 14, Ch. 342, L. 1977; Sec. 37-128, R.C.M. 1947; Ap. p. Sec. 74, Ch. 365, L. 1977; Sec. 37-111, R.C.M. 1947; R.C.M. 1947, 37-111(1), (2), 37-128(1); amd. Sec. 11, Ch. 400, L. 1979; amd. Sec. 4, Ch. 336, L. 1981.

13-27-402. Committees to prepare arguments for and against ballot issues. (1) The arguments advocating approval or rejection of the ballot issue and rebuttal arguments shall be

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submitted to the secretary of state by committees appointed as provided in this section.

(2) The following committees shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members:

(a) the committee advocating approval of an act referred to the people or of a constitutional amendment proposed by the legislature; or

(b) the committee advocating approval of an act referred to the people by referendum petition.

(3) The committee advocating rejection of an act referred to the people or of a constitutional amendment proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(4) The following shall be three-member committees and shall be appointed by the person submitting the petition to the secretary of state under the provisions of 13-27-202:

(a) the committee advocating approval of a ballot issue proposed by any type of initiative petition; and

(b) the committee advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition.

(5) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

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(6) No person may be required to serve on any committee under this section, and the person making an appointment must have written acceptance of appointment from the appointee.

History: En. 37-128 by Sec. 14, Ch. 342, L. 1977; R.C.M. 1947, 37-128(2); amd. Sec. 214, Ch. 571, L. 1979; amd. Sec. 1, Ch. 549, L. 1983; amd. Sec. 18, Ch. 298, L. 1987.

13-27-403. Appointment to committee. (1) Appointments to committees advocating approval or rejection of an act referred to the people or a constitutional amendment proposed by the legislature shall be made no later than 6 months before the election at which the ballot issue will be voted on by the people.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition shall be made no later than 30 days after the measure is approved for circulation by the secretary of state. All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of the appointees no later than the date set by this subsection. Such submission must include the written acceptance of appointment from each appointee required by section 13-27-402(6).

(3) All appointees to a committee pursuant to subsection (1) must be notified by the secretary of state by certified mail, with return receipt requested, no later than 5 days after the deadline set for appointment of committee members, of the deadlines for submission of the committee's arguments.

(4) All appointees to a committee pursuant to subsection (2) must be notified by the secretary of state by certified mail, with return receipt requested, no later than 35 days after the petition has been approved for circulation, of the deadlines for submission of the committee's arguments.

(5) Committees appointed under subsections (2)(b), (4), and (5) of 13-27-402 must be vacated and have no further obligation if the ballot measure for which they were appointed fails to receive sufficient signatures to place it on the ballot. The secretary of state shall notify the committee members of

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the failure of a ballot measure to receive sufficient signatures no later than 3 days after the filing deadline set in 13-27-104.

History: En. 37-129 by Sec. 15, Ch. 342, L. 1977; R.C.M. 1947, 37-129(1), (2); amd. Sec. 2, Ch. 549, L. 1983; amd. Sec. 19, Ch. 298, L. 1987.

13-27-404. Committee chairman. The appointee of the president of the senate is the chairman of any committee to which that officer makes an appointment. The appointing authority for other committees shall name a chairman at the time the appointments are made.

History: En. 37-129 by Sec. 15, Ch. 342, L. 1977; R.C.M. 1947, 37-129(3).

13-27-405. Committee expenses. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$100 for a three-member committee and \$200 for a five-member committee. Itemized claims for actual expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose.

History: En. 37-130 by Sec. 16, Ch. 342, L. 1977; R.C.M. 1947, 37-130; amd. Sec. 12, Ch. 400, L. 1979.

13-27-406. Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than 85 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

History: En. 37-131 by Sec. 17, Ch. 342, L. 1977; R.C.M. 1947, 37-131; amd. Sec. 13, Ch. 400, L. 1979.

13-27-407. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in his office.

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The committees may prepare rebuttal arguments no longer than 250 words that shall be filed, in typewritten form, with the secretary of state no later than 10 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument shall be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments.

History: En. 37-132 by Sec. 18, Ch. 342, L. 1977; R.C.M. 1947, 37-132.

13-27-408. Rejection of improper arguments. The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed in the voter information pamphlet.

History: En. 37-133 by Sec. 19, Ch. 342, L. 1977; R.C.M. 1947, 37-133(1).

13-27-409. Liability for contents of argument. Nothing in this chapter relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

History: En. 37-133 by Sec. 19, Ch. 342, L. 1977; R.C.M. 1947, 37-133(2).

Cross-References

Civil liability for libel, Title 27, ch. 1, part 8.

Criminal defamation, 45-8-212.

13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall include

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a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing shall take place no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues.

History: En. 37-134 by Sec. 20, Ch. 342, L. 1977; R.C.M. 1947, 37-134; amd. Sec. 14, Ch. 400, L. 1979.

Cross-References

Election Administrator as registration official, 13-1-301. Part 5 Election Procedure

13-27-501. Secretary of state to certify ballot form -- abbreviated ballot. (1) The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each

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ballot issue to be voted on by the people at that election is to appear on the ballot.

(2) Except as provided in subsection (4), the secretary of state shall list for each issue:

- (a) the number;
- (b) the method of placement on the ballot;
- (c) the title;
- (d) the attorney general's explanatory statement if applicable;
- (e) the fiscal statement if applicable; and
- (f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) When required to do so, the secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the following statements to identify why the issue has been placed on the ballot:

- (a) an act referred by the legislature;
- (b) an amendment to the constitution proposed by the legislature;
- (c) an act of the legislature referred by referendum petition; or
- (d) a law or constitutional amendment proposed by initiative petition.

(4) The county election administrator may, at least 14 days prior to the deadline for ballot certification by the secretary of state, request in writing that he be furnished an abbreviated form of the certified ballot. The secretary of state shall furnish to all counties from which he has received such a request a certified ballot containing only the information in subsections (2)(a), (2)(e), and (2)(f). If the county election administrator requests that the abbreviated ballot be prepared, copies of the information contained in subsections (2)(a) through (2)(f) must

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be distributed to each elector by an election judge as the elector enters the polling place.

History: En. 37-135 by Sec. 21, Ch. 342, L. 1977; R.C.M. 1947, 37-135(1); amd. Sec. 15, Ch. 400, L. 1979; amd. Sec. 5, Ch. 336, L. 1981; amd. Sec. 1, Ch. 669, L. 1983; (4)En. Sec. 2, Ch. 669, L. 1983.

Cross-References

Role of Secretary of State, Title 13, ch. 1, part 2.

Title of ballot issue, 13-27-312, 13-27-316.

13-27-502. Preparation of ballots by county officials. Each of the county officials responsible for the preparation and printing of the ballots shall print the ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 13-12-207, 13-12-212, and 13-17-206 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it impractical to print the entire ballot, including the ballot issues, on the official ballot as prescribed by 13-12-207, 13-12-212, and 13-17-206.

History: En. 37-135 by Sec. 21, Ch. 342, L. 1977; R.C.M. 1947, 37-135(2); amd. Sec. 16, Ch. 400, L. 1979; amd. Sec. 54, Ch. 575, L. 1981.

13-27-503. Determination of result of election. The votes on ballot issues shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers as votes for candidates are counted, canvassed, and returned. The abstract of votes on ballot issues shall be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstract of votes for state officers. The board of state canvassers shall proceed within 20 days after the election at which such ballot issues are voted upon and, at the same time as the votes for state officers are canvassed, canvass the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in his office a statement of the canvass, giving the number and title of each issue, the whole number of votes cast in the state for

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and against each ballot issue, and the effective date of each ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor.

History: En. 37-136 by Sec. 22, Ch. 342, L. 1977; R.C.M. 1947, 37-136(1); amd. Sec. 55, Ch. 575, L. 1981.

Cross-References

Result of elections, Art. IV, sec. 5, Mont. Const.
Procedure for vote counting, Title 13, ch. 15.
Effective date of ballot issues, 13-27-105.

13-27-504. Copy of approved issues to be sent to legislative council. The secretary of state shall send a certified copy of all ballot issues which have been approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time he transmits a certified copy of the statement of the canvass to the governor.

History: En. 37-136 by Sec. 22, Ch. 342, L. 1977; R.C.M. 1947, 37-136(2).

Cross-References

Publication and updating of code -- Code Commissioner, Title 1, ch. 11.
Legislative Council and publication of laws, Title 5, ch. 11.

TITLE 3, CHAPTER 2, Montana Code Annotated

Limiting challenges to initiatives and referendums prior to elections

3-2-202. Original jurisdiction. (1) Except as provided in subsection (3), in the exercise of its original jurisdiction, the supreme court has power to issue writs of mandamus, certiorari, prohibition, injunction, and habeas corpus.

(2) It also has power to issue all other writs necessary and proper to complete exercise of its appellate jurisdiction.

(3)(a) Except as provided in subsection (3)(b), a contest of a ballot issue submitted by initiative or referendum may be brought prior to the election only if it is filed within 30 days after the date on which the issue was certified to the governor, as provided in 13-27-308, and only for the following causes:

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(i) violation of the law relating to qualifications for inclusion on the ballot;

(ii) constitutional defect in the substance of a proposed ballot issue; or

(iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(b) A contest of a ballot issue based on subsection (3)(a)(i) or (3)(a)(iii) may be brought at any time after discovery of illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(c) Nothing in subsection (3) limits the right to challenge a measure enacted by a vote of the people.

3-5-302. Original jurisdiction. (1) Except as provided in subsection (6), the district court has original jurisdiction in:

(a) all criminal cases amounting to felony;

(b) all civil and probate matters;

(c) all cases at law and in equity;

(d) all cases of misdemeanor not otherwise provided for; and

(e) all such special actions and proceedings as are not otherwise provided for.

(2) The district court has concurrent original jurisdiction with the justice's court in the following criminal cases amounting to misdemeanor:

(a) misdemeanors arising at the same time as and out of the same transaction as a felony or misdemeanor offense charged in district court;

(b) misdemeanors resulting from the reduction of a felony or misdemeanor offense charged in the district court; and

(c) misdemeanors resulting from a finding of a lesser included offense in a felony or misdemeanor case tried in district court.

(3) The district court has exclusive original jurisdiction in all civil actions that might result in a judgement against the state for the payment of money.

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(4) The district court has the power of naturalization and of issuing papers therefor in all cases where it is authorized to do so by the laws of the United States.

(5) The district court and its judges have power to issue, hear, and determine writs of mandamus, quo warranto, certiorari, prohibition, and injunction, other original remedial writs, and all writs of habeas corpus on petition by or on behalf of any person held in actual custody in their respective districts. Injunctions and writs of prohibition and habeas corpus may be issued and served on legal holidays and nonjudicial days.

(6)(a) Except as provided in subsection (6)(b), a contest of a ballot issue submitted by initiative or referendum may be brought prior to the election only if it is filed within 30 days after the date on which the issue was certified to the governor, as provided in 13-27-308, and only for the following causes;

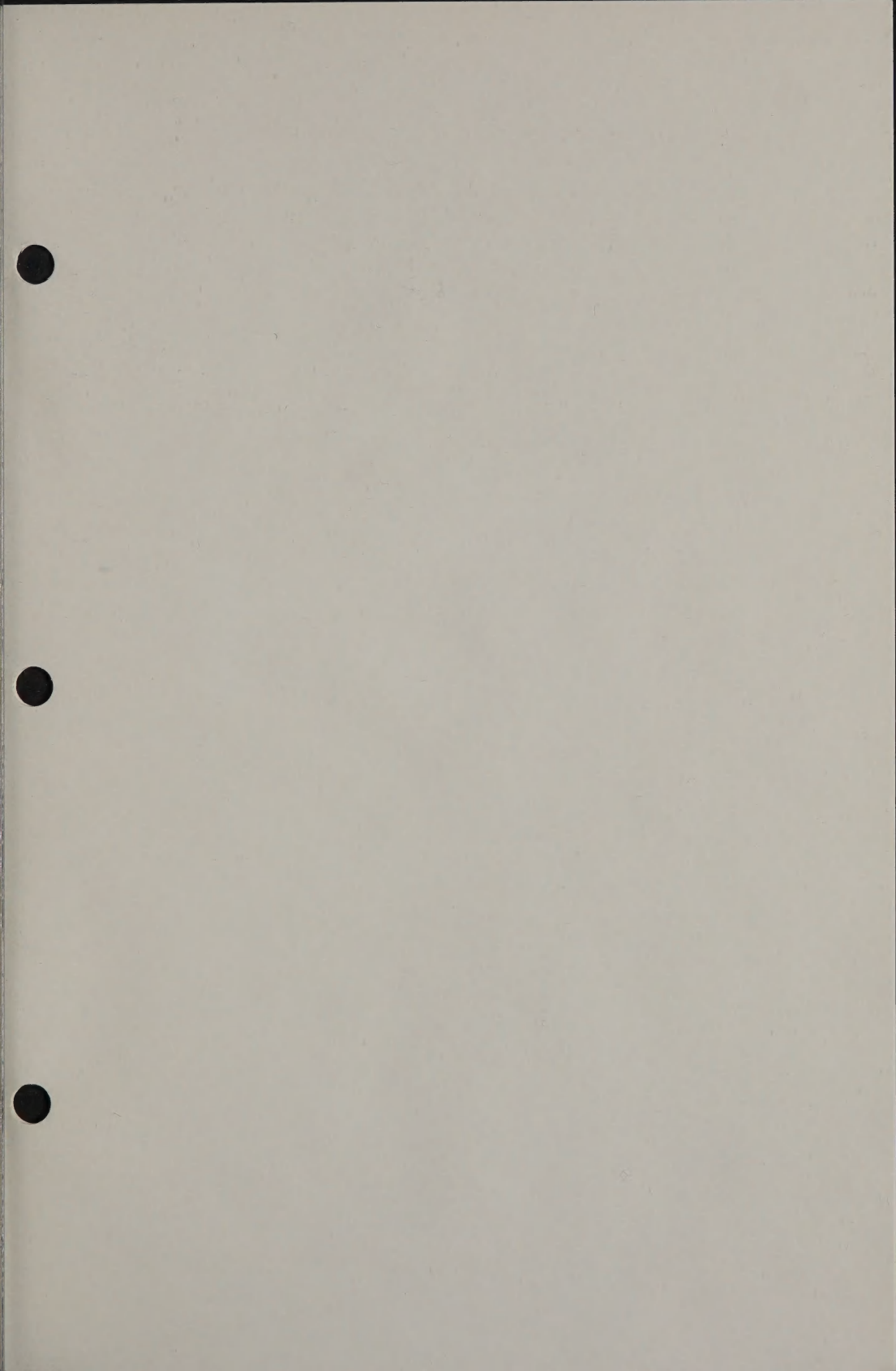
(i) violation of the law relating to qualifications for inclusion on the ballot;

(ii) constitutional defect in the substance of a proposed ballot issue; or

(iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(b) A contest of a ballot issue based on subsection (6)(a)(i) or (6)(a)(iii) may be brought at any time after discovery of illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(c) Nothing in subsection (6) limits the right to challenge a measure enacted by a vote of the people.



(4) The Commission is to have the power to receive and to examine all papers and documents in all cases which it may deem proper to receive and to examine in connection with its duties.

(5) The Commission is to have the power to receive and to examine all papers and documents in all cases which it may deem proper to receive and to examine in connection with its duties.

(6) The Commission is to have the power to receive and to examine all papers and documents in all cases which it may deem proper to receive and to examine in connection with its duties.

(7) The Commission is to have the power to receive and to examine all papers and documents in all cases which it may deem proper to receive and to examine in connection with its duties.

(8) The Commission is to have the power to receive and to examine all papers and documents in all cases which it may deem proper to receive and to examine in connection with its duties.

(9) The Commission is to have the power to receive and to examine all papers and documents in all cases which it may deem proper to receive and to examine in connection with its duties.

(10) The Commission is to have the power to receive and to examine all papers and documents in all cases which it may deem proper to receive and to examine in connection with its duties.

(11) The Commission is to have the power to receive and to examine all papers and documents in all cases which it may deem proper to receive and to examine in connection with its duties.



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